IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 33543 of 2006(R)

OS.38/2006 of SUB COURT, PAYYANNUR .

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PETITIONER:

O.VALSAN,
SECRETARY, SREENARAYANA EDUCATIONAL AND CHARITABLE SOCIETY, MADAYI AMSOM AND DESOM, PAYANGADI, KANNUR DISTRICT.

BY ADV. SRI.N.RADHAKRISHNAN

RESPONDENTS:

MADAYI THIRUVARKATTUKAVU DEVASWOM
REPRESENTED BY ITS EXECUTIVE OFFICER,
CHIRAKKAL KOVILAKAM, DEVASWOMS OFFICE,
P.O.CHIRAKKAL, KANNUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR, J.

W.P.C.NO.33543 OF 2006 (R)

Dated this the 18 th day of December, 2006.

JUDGMENT

Petitioner is the 6th defendant in O.S.38/06, on the file of Sub Court, Payyannur. Case of petitioner was that though an order of temporary injunction was granted in I.A.422/06 and petitioner sought a order vacating that order of injunction, learned Sub Judge is not passing any order. This petition is filed under Article 227 of Constitution of India, for necessary direction to the Sub Judge.

2. Learned counsel appearing for petitioner was heard.

3. Order XXXIX Rule 3A provides that where any order of injunction has been granted without giving notice to the opposite party, court shall make every endevour to finally dispose of the application within 30 days from the date on which injunction was granted. The Rule further mandates that if it is able so to do, it

shall record its reasons for such inability. Learned sub Judge is therefore directed to comply with the mandatory provisions of Rule 3A of Order XXXIX and dispose I.A.422/06 in O.S.38/06 as expeditiously and in any event within 30 days from the date of receipt of copy of this judgment.

M.SASIDHARAN NAMBIAR,
JUDGE.

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